

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CURTIS TOMLIN and  
ROSALIE TOMLIN**

**v.**

**THE SHERWIN-WILLIAMS  
COMPANY, ET AL.**

:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION NO. 14-5049**

**ORDER**

This 21<sup>st</sup> day of April, 2015, having reviewed materials submitted for *in camera* review, I conclude that Defendant The Sherwin-Williams Company properly asserted a privilege with respect to materials not produced during discovery. With respect to the photograph snot produced, because they were physically taken by Defendant's counsel during the course of his inspection, I conclude that they are Trial Preparation Materials, and therefore not subject to production absent a showing that Plaintiff has "substantial need" for the photographs and cannot "without undue hardship" obtain their substantial equivalent by other means. Rule 26(b)(3) Federal Rules of Civil Procedure. With respect to the other documents, all fall within the boundaries of attorney-client privilege or work product.

/s/ Gerald Austin McHugh  
United States District Court Judge